
Wellhead Protection Grant Program Rules

Department of Environmental Quality
Water Division
Supplying Water to the Public

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These rules take effect 15 days after filing with the Secretary of State

(By authority conferred on the director of the department of environmental quality by sections 5 and 16 of Act No. 399 of the Public Acts 1976, as amended, and Executive Reorganization Order No. 1996-1, being §§325.1005, 325.1016 and 330.3101 of the Michigan Compiled Laws)

R 325.10101 to R 325.12706 of the Michigan Administrative Code are amended by adding R 325.12801, R 325.12802, R 325.12803, R 325.12804, R 325.12805, R 325.12806, R 325.12807, R 325.12808, R 325.12809, R 325.12810, R 325.12811, R 325.12812, R 325.12813, R 325.12814, R 325.12815, R 325.12816, R 325.12817, R 325.12818, R 325.12819, and R 325.12820 to read as follows:

PART 28. WELLHEAD PROTECTION GRANT ASSISTANCE

R 325.12801 Definitions.

Rule 2801. As used in these rules:

(a) "Abandoned well" means any of the following which presents a threat to the groundwater resource and which no longer serves the purpose for which it was intended or has been taken out of service:

- (i) A water well.
- (ii) A monitoring well.
- (iii) An oil well.
- (iv) A gas well.
- (v) A mineral well.
- (vi) A drainage well.
- (vii) A recharge well.
- (viii) A test well.
- (ix) An injection well.
- (x) Other unplugged borings.

(b) "Aquifer test" means a groundwater resource assessment completed under Act No. 399 of the Public Acts of 1976, as amended, being §325.1001 et seq. of the Michigan Compiled Laws, R 325.10813 governing the study of hydrogeological conditions by suppliers of water of type I and type IIa public water supplies, and R 325.10814 governing the studies of suppliers of water of type IIb and type III public water supplies.

(c) "Contaminant source inventory" means the identification of sources of contamination or land uses within a wellhead protection area that have a potential to adversely impact the groundwater resource.

(d) "Delineation" means a hydrogeologic investigation conducted for the purpose of determining a wellhead protection area that meets the requirements of the state of Michigan wellhead protection program.

(e) "Elements" means the 7 areas that shall be addressed to obtain approval of a wellhead protection program and includes all of the following:

- (i) Roles and duties.
- (ii) Delineation of the wellhead protection area.
- (iii) Identification of potential and known contaminant sources.
- (iv) Management strategies.
- (v) Contingency plans for the wellhead protection area.
- (vi) New wells.
- (vii) Public participation.

(f) "Grant applicant" means a community public water supply, or a not-for-profit, nontransient, noncommunity public water supply that applies for grant assistance under the wellhead protection grant program on behalf of the persons or municipality served by the public water supply.

(g) "Grant assistance" means the dedication of grant funds to a public water supply to support the development and implementation of a wellhead protection program.

(h) "Grant-eligible activity" means a task undertaken by a community or nontransient, noncommunity public water supply for the purpose of determining a wellhead protection area or developing and implementing a wellhead protection program that is eligible for grant assistance in accordance with these rules.

(i) "Grant program priority list" means an annual list of grant applicants developed by the department that ranks the applicants for prioritization of grant assistance.

(j) "Local team" means a group of not less than 3 persons that includes the public water supply superintendent, a representative of the municipality, and a representative from at least 1 of the following entities whose purpose is to facilitate the development, implementation and long-term maintenance of a wellhead protection program:

- (i) Local health department.
- (ii) Local fire department.
- (iii) Business and industry.
- (iv) Agriculture.
- (v) Education.
- (vi) Planning.
- (vii) Environmental groups.
- (viii) The general public.

A local team for a nontransient, noncommunity public water supply shall include representation from not less than 3 of the groups listed in this subdivision.

(k) "Low tritium public water supply" means a community supply or nontransient, noncommunity water supply that has had its well water sampled for tritium and had sample results of not more than 1.0 tritium unit (TU).

(l) "Total grant assistance" means the maximum amount of grant assistance each fiscal year that a public water supply may receive based upon the population served by the public water supply and the number of wells owned and operated by the public water supply.

(m) "Wellhead protection area" means the area which has been approved by the department in accordance with the state of Michigan wellhead protection program, which represents the surface and subsurface area surrounding a water well or well field, which supplies a public water supply, and through which contaminants are reasonably likely to move toward and reach the water well or well field within a 10-year time of travel.

(n) "Wellhead protection program" means a program that has been approved by the department upon meeting the criteria for approval under the state of Michigan wellhead protection program.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12802 Applicant qualifications.

Rule 2802. (1) Community and not-for-profit, nontransient, noncommunity public water supplies that utilize groundwater as a source of water, exclusive of federally owned public water supplies, may qualify for grant assistance.

(2) A public water supply that applies for grant assistance shall provide a local match equal to the grant assistance requested in the grant application.

(3) A public water supply that receives grant assistance shall be able to complete the grant-eligible activities specified in the grant application within 2 years from the time the grant assistance is awarded to the public water supply.

(4) Public water supplies that have outstanding prior year fees as prescribed in the Act are not eligible for grant assistance.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12803 Submission of applications.

Rule 2803. (1) An applicant for grant assistance shall apply to the department on a form prescribed and provided by the department.

(2) The department shall establish a deadline for submission of applications in the grant application process and shall notify applicants of the application deadline on the form prescribed and provided by the department.

(3) An applicant shall provide a description of the grant-eligible activities for which the grant assistance is to be applied.

(4) An application shall include proof, through 1 of the following, of a local match to the grant assistance and proof that the grant assistance and local match will be expended on grant-eligible activities, as applicable:

(a) Providing documentation of a line item budget dedicated to the grant-eligible activities identified in the grant application. The line item budget shall include the dedication of funds to grant-eligible activities in an amount equal to the grant assistance plus the local match.

(b) Providing documentation of a contractually binding agreement committing the applicant to an expenditure of funds in an amount equal to the grant assistance plus the local match for the grant-eligible activities identified in the grant application.

(c) Providing documentation of previous expenditures on grant-eligible activities equivalent to or greater than the grant assistance requested in the grant application.

(d) Providing documentation of the match through a combination of any of the items specified in this subrule.

(5) Previous expenditures by the applicant to seal abandoned wells as defined in Part 127 of Act No. 368 of the Public Acts of 1978, as amended, being §333.12701 et seq. of the Michigan Compiled Laws, within a wellhead protection area or within a 1-mile radius of a low tritium public water supply may be utilized as the local match.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12804 Long-term commitment to wellhead protection.

Rule 2804. (1) A grant applicant shall demonstrate a long-term commitment to the development, implementation, and maintenance of a wellhead protection program by providing both of the following:

(a) A time line for completion of the grant-eligible activities.

(b) A time line for the completion of each of the elements required of a state-approved wellhead protection program.

(2) The applicant shall demonstrate the establishment of a local team whose goal is to facilitate the development, implementation, and maintenance of a wellhead protection program.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12805 Priority list.

Rule 2805. (1) Annually, the department shall develop a grant program priority list of applicants deemed eligible for grant assistance.

(2) For the purpose of providing grant assistance, the grant program priority list shall take effect on the first day of each fiscal year, except for fiscal year 1998.

(3) The grant program priority list shall be based upon all of the following criteria:

- (a) The establishment of a local team.
- (b) Coordination of the local team with an adjacent municipality.
- (c) The adoption of a local ordinance or resolution related to wellhead protection.
- (d) The manner in which the local match is provided.
- (e) The proposed time line for completion of a wellhead protection program.
- (f) Incorporation of the wellhead protection program into other land use planning strategies.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12806 Availability of grant funds.

Rule 2806. (1) Grant assistance shall be provided to an eligible grant applicant to the extent that grant funds are available as determined by the department.

(2) An eligible applicant denied grant assistance during the year a grant program priority list is developed shall be prioritized on the next annual grant program priority list using the same criteria, unless the applicant submits an amendment to the grant application that alters the applicant's status on the grant program priority list or unless conditions change for the original grant submittal.

(3) An applicant that has not received grant assistance upon application in any previous fiscal year shall be placed on the grant program priority list ahead of an applicant who was funded in a previous year and funded in the current fiscal year of application if all of the following provisions apply:

- (a) The applicant meets the minimum points requirement for funding in the priority list score as specified in R 325.12807(2).
- (b) The awarding of grant assistance to the applicant is in compliance with R 325.12810.
- (c) Grant funds are available.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12807 Priority list score.

Rule 2807. (1) A maximum of 25 points may be awarded a grant applicant for prioritization on the annual grant program priority list.

(2) A minimum of 10 points is required in the priority list score to be eligible for grant assistance.

(3) A maximum of 5 points shall be assigned a grant applicant for the development of a local team. The points shall be assigned in accordance with the following schedule:

(a) Five points for a team that includes representation by the public water supply superintendent, the municipality, and any 6 of the following entities:

- (i) The local health department.
- (ii) The local fire department.
- (iii) Business and industry.
- (iv) Agriculture.
- (v) Education.
- (vi) Planning.
- (vii) An environmental group.
- (viii) The general public.

(b) Four points for a team that includes representation by the public water supply superintendent, the municipality, and any 5 of the following entities:

- (i) The local health department.
 - (ii) The local fire department.
 - (iii) Business and industry.
 - (iv) Agriculture.
 - (v) Education.
 - (vi) Planning.
 - (vii) An environmental group.
 - (viii) The general public.
- (c) Three points for a team that includes representation by the public water supply superintendent, the municipality, and any 4 of the following entities:
- (i) The local health department.
 - (ii) The local fire department.
 - (iii) Business and industry.
 - (iv) Agriculture.
 - (v) Education.
 - (vi) Planning.
 - (vii) An environmental group.
 - (viii) The general public.
- (d) Two points for a team that includes representation by the public water supply superintendent, the municipality, and any 3 of the following entities:
- (i) The local health department.
 - (ii) The local fire department.
 - (iii) Business and industry.
 - (iv) Agriculture.
 - (v) Education.
 - (vi) Planning.
 - (vii) An environmental group.
 - (viii) The general public.
- (e) One point for a team that includes representation by the public water supply superintendent, the municipality, and any 2 of the following entities:
- (i) The local health department.
 - (ii) The local fire department.
 - (iii) Business and industry.
 - (iv) Agriculture.
 - (v) Education.
 - (vi) Planning.
 - (vii) An environmental group.
 - (viii) The general public.
- (4) Two points shall be assigned for a local team that includes representation from an adjacent municipality which has land in the projected or approved wellhead protection area or which receives service from the applicant or if the approved wellhead protection area lies entirely within the jurisdiction of a municipality and the public water supply does not provide service to an area outside of the jurisdiction of the municipality.
- (5) A maximum of 3 points shall be assigned a grant applicant for the adoption of an ordinance or resolution as follows:
- (a) Three points for the passage of a local ordinance related to the development and implementation of a local wellhead protection program.
 - (b) One point for the adoption of a local resolution that demonstrates a commitment to the development and implementation of a local wellhead protection program.
- (6) A maximum of 6 points shall be assigned a grant applicant based upon the manner in which the local match is demonstrated as follows:

(a) Six points for demonstrating that the local match has been provided through the previous expenditure of funds on grant-eligible activities.

(b) Three points for demonstrating that the local match and the grant assistance have been committed through a contractually binding agreement with a consultant.

(c) One point for demonstrating that the local match has been provided as an identifiable item within a local budget dedicating the local match and the grant assistance to grant-eligible activities.

(7) A maximum of 3 points shall be assigned a grant applicant based upon the time line for completion of a wellhead protection program as follows:

(a) Three points for a program completed before the date of the grant application.

(b) Two points for a time line for program completion within 1 year of the date of application.

(c) One point for a time line for program completion within 3 years of the date of application.

(8) A maximum of 6 points shall be assigned the grant applicant as follows:

(a) Three points for a plan to incorporate the wellhead protection program into a municipality's master plan or other regional land use planning program.

(b) Three points for a plan to implement a public outreach, education, or planning program of not less than 3 years duration.

(9) If the priority list score results in a tie between 2 applicants, then the award of grant funds shall be provided to the applicants as follows:

(a) The applicant that has received the lesser amount in total grant funds through application in previous fiscal years shall be awarded the grant funds in the current year of application.

(b) If the applicants have received the same amount in total grant funds through application in previous fiscal years, then the applicant whose public water supply exhibits the greatest population-to-grant dollars ratio shall be awarded the grant assistance.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12808 Total grant assistance based upon population served.

Rule 2808. (1) The total grant assistance received by a public water supply in the wellhead protection grant program shall be based upon the total population served by the public water supply.

(2) The total grant assistance available to a public water supply shall be as follows:

(a) A public water supply that serves a population of 500 persons or less shall be eligible for a total grant assistance of not more than \$7,500.00.

(b) A public water supply that serves a population of 501 to 3,300 persons shall be eligible for a total grant assistance of not more than \$15,000.00.

(c) A public water supply that serves a population of 3,301 to 10,000 persons shall be eligible for a total grant assistance of not more than \$30,000.00.

(d) A public water supply that serves a population of more than 10,000 persons shall be eligible for total grant assistance of not more than \$50,000.00

(3) A grant applicant that requests grant assistance in excess of the population-based limit for the total grant assistance shall be granted the maximum allowable grant assistance in accordance with subrule(2) of this rule if other requirements for grant assistance are fulfilled.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12809 Total grant assistance based upon number of wells.

Rule 2809. (1) The total grant assistance available to a public water supply based upon the population served shall be increased based upon supplemental grant assistance that reflects the number of wells which the public water supply owns and operates as follows:

(a) A public water supply that owns and operates 3 to 5 wells shall be eligible for supplemental grant assistance of not more than \$5,000.00.

(b) A public water supply that owns and operates 6 to 10 wells shall be eligible for supplemental grant assistance of not more than \$10,000.00.

(c) A public water supply that owns and operates 11 to 15 wells shall be eligible for supplemental grant assistance of not more than \$15,000.00

(d) A public water supply that owns and operates more than 15 wells shall be eligible for supplemental grant assistance of not more than \$20,000.00.

(2) A grant applicant that requests supplemental grant assistance in excess of the maximum based upon the number of wells owned and operated by the public water supply shall be provided the maximum grant assistance in accordance with subrule(1) of this rule.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12810 Distribution of available grant funds based upon population served by public water supplies.

Rule 2810. (1) If the requests for grant assistance exceeds the grant funds available in a fiscal year, then the maximum and minimum grant assistance provided to public water supplies according to the population served shall be based upon a percentage of the total grant funds available for the fiscal year as follows:

(a) Public water supplies serving a population of 500 persons or less shall receive not more than 30%, and not less than 15%, of the total grant funds available in any given fiscal year.

(b) Public water supplies serving a population of 501 to 3,300 persons shall receive not more than 50%, and not less than 25%, of the total grant funds available in any given fiscal year.

(c) Public water supplies serving a population of 3,301 to 10,000 persons shall receive not more than 30%, and not less than 15%, of the total grant funds available in any given fiscal year.

(d) Public water supplies serving a population of more than 10,000 persons shall receive not more than 30%, and not less than 15% of the total grant funds available in any given fiscal year.

(2) The department may provide a greater percentage of the available grant funds to public water supplies of a given population served if requests for grant assistance do not exceed the established minimum percentage of total grant funds available to public water supplies of other population-served categories.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12811 Disbursement of grant assistance.

Rule 2811. (1) The department shall disburse the grant assistance upon submittal of a project report demonstrating that the applicant has completed the grant-eligible activities identified in the grant application.

(2) The department may provide a partial disbursement of the grant assistance upon submittal of a project report demonstrating that the applicant has completed a corresponding and appropriate portion of the grant-eligible activities identified in the grant application. A partial disbursement of the grant assistance shall not exceed 50% of the total cost of the corresponding and appropriate portion of the grant-eligible activities for which the partial disbursement is requested.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12812 Grant-eligible activities to support local wellhead protection programs; contact person; formation of local team; team responsibilities

Rule 2812. (1) Grant-eligible activities shall support the development or implementation of a local wellhead protection program and be consistent with the state of Michigan wellhead protection program.

(2) A public water supply shall provide the department with the name, title, and address of a contact person who shall take the lead in the development and implementation of the local wellhead protection program, including local administration of the wellhead protection grant.

(3) A public water supply shall provide the department with evidence of the formation of a local team. The team shall consist of the public water supply superintendent, the municipality, and at least 1 of the following entities:

- (a) The local health department.
- (b) The local fire department.
- (c) Business and industry.
- (d) Agriculture.
- (e) Education.
- (f) Planning.

- (g) An environmental group.
- (h) The general public.

(4) The local team shall be responsible for providing a time line for the completion of grant-eligible activities identified in the grant application.

(5) The local team shall be responsible for providing a time line for the completion of a wellhead protection program.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12813 Wellhead protection program elements.

Rule 2813. (1) The following wellhead protection program elements include grant-eligible activities for which grant funds may be applied:

- (a) The establishment of roles and duties.
- (b) The delineation of a wellhead protection area.
- (c) The completion of a contaminant source and land use inventory.
- (d) The development or implementation of management strategies and programs to control contaminant sources or land use.
- (e) The development and implementation of a contingency plan.
- (f) The phasing of new wells into a wellhead protection program.
- (g) The development or implementation of public participation strategies in a wellhead protection program.

(2) Program development and implementation activities, such as a contaminant source and land use inventory, development and implementation of management strategies, contingency planning and public participation, are eligible for grant assistance in more than 1 fiscal year.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12814 Grant-eligible activities; development and implementation of certain partnership agreements.

Rule 2814. The development and implementation of partnership agreements between municipalities for the purpose of wellhead protection is grant-eligible.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12815 Grant-eligible delineation activities.

Rule 2815. (1) Grant-eligible delineation activities shall be proposed, described, and completed in accordance with the wellhead protection area delineation guidance established by the department in the state of Michigan wellhead protection program.

(2) Grant-eligible activities include the following:

- (a) The compilation of existing hydrogeologic information.
- (b) The Installation of observation wells for an aquifer test on an existing public water supply well.

(c) Aquifer tests and aquifer test analysis on an existing public water supply well.

(d) Surveying.

(e) Collection of static water levels.

(f) Groundwater modeling, including particle tracking.

(3) If deemed necessary by the department due to the lack of accessibility to existing wells, the area geology indicates a public water supply may be a low tritium public water supply, or a known groundwater contamination is present within the wellhead protection area, the following activities may be deemed grant-eligible:

(a) The installation of monitoring wells for the collection of static water level information.

(b) The collection and analysis of tritium samples.

(c) The installation of sentinel wells to monitor water quality within the wellhead protection area.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12816 Grant-eligible contaminant source and land use inventory activities.

Rule 2816. (1) Contaminant source and land use inventories to identify existing and potential threats to a public water supply are grant-eligible within the wellhead protection area or within a 1-mile radius of the well field for a low tritium public water supply.

(2) The following contaminant source and land use inventory activities are grant-eligible activities:

(a) Record searches to identify potential sources of contamination and land uses that have a potential to impact the groundwater.

(b) General surveys to identify potential sources of contamination and land uses that have a potential to impact the groundwater.

(c) On-site inspection of facilities that have a potential to impact the groundwater.

(d) Record searches to identify historical land uses that have a potential to impact the groundwater.

(e) The mapping of existing and potential sources of contamination within the wellhead protection area.

(f) Updating a contaminant source inventory.

(g) The development and implementation of a program to locate and identify abandoned wells.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12817 Grant-eligible management activities.

Rule 2817. (1) Grant-eligible management activities shall provide an elevated level of protection to the wellhead protection area or within a 1-mile radius of the well field for a low tritium public water supply.

(2) Grant-eligible management activities include the following:

(a) The development and implementation of best management practices that reduce the risk of groundwater contamination.

(b) The development and implementation of wellhead protection resolutions or ordinances.

(c) On-site inspections for the purpose of improving facility management of potential sources of contamination.

(d) The development and implementation of a program to control abandoned wells, excluding the actual sealing of abandoned wells.

(e) Incorporation of a wellhead protection program into a municipality's master plan or other regional land use planning program.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12818 Grant-eligible contingency plan and emergency response protocol activities.

Rule 2818. The development and implementation of a contingency plan and emergency response protocol for a wellhead protection area or within a 1-mile radius of the well field for a low tritium public water supply are grant eligible activities.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R 325.12819 Grant-eligible new well activities.

Rule 2819. Grant-eligible activities for new wells include the following:

(a) Completion of a delineation for a new well or well field, exclusive of the cost incurred to conduct an aquifer test that is a requirement of the public water supply program for the construction of new wells.

(b) The development and implementation of a wellhead protection program for a new well or well field.

(c) Incorporation of a new well or well field into an existing wellhead protection program.

History: 1999 MR 1, Eff. Jan. 25, 1999.

R325.12820 Grant-eligible public participation activities.

Rule 2820. (1) Grant-eligible activities for public participation shall provide a positive benefit to the wellhead protection program by raising public awareness in matters pertaining to wellhead protection and utilization of the groundwater resource by a public water supply.

(2) Grant-eligible activities for public participation include, but may not be limited to, the following:

(a) The development and implementation of a school curriculum related to wellhead protection.

(b) The development and implementation of a strategy to educate the general public on issues related to wellhead protection.

(c) The development, production, and circulation of educational materials.

(d) The development, preparation, and production of media announcements, such as news releases, newspaper articles, and radio announcements.

(e) Signing activities which identify an approved wellhead protection area or which promote the concept of wellhead protection, such as storm drain stenciling and the construction and placement of road signs.

History: 1999 MR 1, Eff. Jan. 25, 1999.